

The Gazette of India

EXTRAORDINARY

PART II—Section 1

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MINISTRY OF LAW

New Delhi, the 12th January, 1954

The following Act of President is published for general information:—

THE PATIALA AND EAST PUNJAB STATES UNION LEGISLATIVE ASSEMBLY (PREVENTION OF DISQUALIFICATION) AMENDMENT ACT, 1954

No. 2 OF 1954

[12th January, 1954]

An Act to amend the Patiala and East Punjab States Union Legislative Assembly Prevention of Disqualification Act, 2008.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. Short title.—This Act may be called the Patiala and East Punjab States Union Legislative Assembly (Prevention of Disqualification) Amendment Act, 1954.

2. Substitution of new section for section 2 in Act XXIX of 2008.—For section 2 of the Patiala and East Punjab States Union Legislative Assembly (Prevention of Disqualification) Act, 2008, the following section shall be substituted, namely:—

“2. *Prevention of disqualification for membership of Legislative Assembly.*—It is hereby declared that the following offices of profit under Government shall not disqualify, and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being, members of the Legislative Assembly of the Patiala and East Punjab States Union,—

(a) the offices of Deputy Ministers or Parliamentary Secretaries;

(b) the offices held by officers in the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948 (XXXI of 1948), and in the Territorial Army raised and maintained under the Territorial Army Act, 1948 (LVI of 1948”

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

When a member of the State Legislative Assembly holds any office in the Territorial Army or the National Cadet Corps, it may amount to holding an office of profit under Government for the purposes of article 191 of the Constitution, thus disqualifying him from the membership of the State Legislature. It is felt that in the larger interests of the country, it is undesirable to impose such a restriction on a person who holds an office in the Territorial Army or the National Cadet Corps. This Bill seeks to remove this disqualification. Other States are also undertaking similar legislation.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953) has approved the enactment of this measure.

C. S. VENKATACHAR,
Secy. to the Govt. of India,
Ministry of States.